

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 20-mj- **5086**

Joseph Bella

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Count 1

On or about April 23, 2020, in the Western District of New York, the defendant **JOSEPH BELLA**, did knowingly, willfully, and unlawfully possess with intent to distribute, cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

Count 2

On or about April 23, 2020, in the Western District of New York, the defendant, **JOSEPH BELLA**, did knowingly, intentionally and unlawfully use and maintain a place, that is, the premises at 224 Summer Street, Buffalo, New York, for the purpose of manufacturing, distributing and using cocaine, a schedule II controlled substance, and marijuana, tetrahydrocannabinol (THC), psilocybin, and MDMA, Schedule I controlled substances.

All in violation of Title 21, United States Code, Section 856(a)(1).

Count 3

On or about April 23, 2020, in the Western District of New York, the defendant, **JOSEPH BELLA**, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, violations of Title 21, United States Code, Sections 856(a)(1), committed in the manner set forth in Counts 1 and 2, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i).

Count 4

On or about April 23, 2020, in the Western District of New York, the defendant, **JOSEPH BELLA**, knowing that he had previously been convicted on or about April 11, 2011, in the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida Felony Division, of crimes punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in an affecting commerce, a firearm and ammunition, namely:

- a. One Topper Model 88, 12-gauge shotgun manufactured by Harrington & Richardson, Inc., Gardner, Massachusetts, with serial number AU519161; and
- b. numerous Tul Ammo .223 Remington rounds.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count 5

On or about April 23, 2020, in the Western District of New York, the defendant, **JOSEPH BELLA**, then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802, that is, marijuana and THC, a Schedule I controlled substances, unlawfully did knowingly possess, in and affecting commerce, a firearm and ammunition, namely:

- c. One Topper Model 88, 12-gauge shotgun manufactured by Harrington & Richardson, Inc., Gardner, Massachusetts, with serial number AU519161; and
- d. numerous Tul Ammo .223 Remington rounds.

All in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

CURTIS RYAN
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title

Sworn to and signed before me telephonically.

Date: April 23, 2020



Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, CURTIS E. RYAN, being duly sworn, depose and state:

1. I am a Special Agent of Homeland Security Investigations (“HSI”), U.S. Immigration and Customs Enforcement, Department of Homeland Security, and have been so employed since February 2012. I am currently assigned to the HSI Buffalo, New York Border Enforcement Security Taskforce (“BEST”). As a Special Agent, I am a federal law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 21, United States Code, Sections 841, *et seq.*

2. During my law enforcement career, I have participated in investigations targeting the smuggling, trafficking, and distribution of controlled substances. As part of my employment with HSI, I successfully completed the Federal Law Enforcement Training Center Criminal Investigator Training Program and U.S. Immigration and Customs Enforcement Special Agent Training, both of which included intensive instruction on drug enforcement, including application for and execution of, search and arrest warrants, as well as application for criminal complaints, and other legal process. I am familiar with how controlled substances are obtained, diluted, packaged, distributed, sold, and used within the

framework of drug smuggling and how drug smugglers use other persons and/or their personal property to facilitate their illegal activities. Based on this experience, I am also familiar with language and terminology used by individuals involved in use and distribution of controlled substances, including cocaine, marijuana, and various other controlled substances. I have also investigated the illegal export of firearms and am familiar with the laws regarding their lawful possession. I previously worked as a Special Agent in the Department of Defense and the Department of Justice. I have been employed as a Special Agent since 1999.

3. I make this affidavit in support of an application for a Criminal Complaint charging **JOSEPH C. BELLA** with the following violations: Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute cocaine); Title 21, United States Code, Section 856(a)(1) (maintaining a premises for use, distribution, or manufacture of controlled substances); Title 18, United States Code, Section 922(g)(3) (possession of a firearm by an unlawful user of controlled substances); Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm); and Title 18, United States Code, Section 924(c)(1)(A)(i) (possession of a firearm in furtherance of drug trafficking crimes).

4. This affidavit contains information based on my own personal knowledge as well as information provided by other law enforcement agents and local law enforcement members. As it is my purpose to obtain a criminal complaint for which only probable cause is required, I have not included every fact learned during the investigation.

5. On April 22, 2020, your affiant appeared before this court¹ and applied for a search warrant authorizing the search of 224 Summer Street, Buffalo, New York. This court authorized the warrant (See Case: 20-M-5085-02).
telephonically

6. On April 23, 2020, agents and officers from HSI, U.S. Border Patrol, U.S. Customs and Border Protection, and the Buffalo Police Department executed the search warrant at 224 Main Street, Buffalo, New York. At that time, JOSEPH BELLA was present at the residence.

7. Your affiant briefly spoke to BELLA in the dining room of the residence after a tactical team completed the initial search of the residence. BELLA asked what types of items agents were searching for. Your affiant stated agents were searching for drugs, documents and other items of evidence. BELLA stated there was a package of gummies in his kitchen. Your affiant asked if they were THC¹ gummies, and BELLA stated that they were.

8. While your affiant was sitting at the dining room table with BELLA, a U.S. Border Patrol Agent and K-9 performed a K-9 sniff of the residence. The K-9 alerted and indicated² to small metal lock box in the bedroom of the residence.³ The box was locked. SA

¹ Tetrahydrocannabinol (THC) is a Schedule I controlled substance.

² Indicating the presence of controlled substances within the box.

³ Search warrant 20-5085-02 authorized the search of the entire property located at 224 Summer Street. The property consisted of a main house and carriage house. The main house was divided into three apartments. Two apartments were located on the first floor and were found to be empty. Agents encountered BELLA in the upstairs apartment up on entry. There was only one bedroom in the apartment and BELLA appeared to live by himself in the apartment.

Marilyn Halliday asked BELLA if he had a way to open the box. BELLA initially responded that the box was not his, but then added the key to open the box might be on top of the fireplace.

9. SA Halliday located the key on top of the fireplace and used it to open the lock box. The box contained plastic bag of white powder weighing approximately 63.2 grams, additional plastic bags, and a digital scale. SA Jack Waugaman tested the white powder. The powder tested positive for the presence of cocaine, a Schedule II controlled substance.

10. Agents discovered a shotgun in a wardrobe in the same bedroom where the cocaine was found. According to the manufacturer's markings on the shotgun it is a Topper Model 88, 12-gauge shotgun manufactured by Harrington & Richardson, Inc., Gardner, Massachusetts, with serial number AU519161.

11. Immediately adjacent to the shotgun, in the same wardrobe, and on the same shelf as the shotgun, agents discovered numerous Remington 12-gauge shotgun shells, numerous Blazer Brass 9mm rounds, and numerous Tul Ammo⁴ .223 Remington rounds.

12. The firearm and ammunition were in close proximity to the cocaine. The amount of cocaine, and its proximity to a firearm and ammunition, which are tools of the drug trafficking trade, coupled with the recovery of a scale and plastic baggies which are

⁴ According to the markings on the exterior of the box this ammunition was manufactured in Russia.

typically used to package drugs for distribution, indicate the cocaine was possessed with intent to distribute.

13. On April 23, 2020, I spoke to ATF SA William Farnham⁵ by telephone, and described the shotgun and ammunition. Based on my verbal description, SA Farnham provided a preliminary opinion that the shotgun and the ammunition all traveled in interstate commerce between the places where they were manufactured and 224 Summer Street, Buffalo, New York.

14. Agents located numerous additional items of drug evidence in JOSEPH BELLA's residence as listed below.

- a. THC gummies, lollipops, and other THC edibles;
- b. Marijuana⁶ cigarettes and loose marijuana;
- c. THC vape cartridges;
- d. Suspected Psilocybin⁷ mushrooms;
- e. An additional bag containing cocaine in the tank of the toilet adjacent the master bedroom;
- f. A small quantity of MDMA;⁸
- g. Various pills; and
- h. THC resin.

⁵ SA Farnham is an Interstate Nexus Expert.

⁶ Marijuana is a Schedule I controlled substance.

⁷ Psilocybin is a Schedule I controlled substance.

⁸ MDMA is a Schedule I controlled substance.

15. I reviewed JOSEPH BELLA's criminal history and noted the Lake County Sheriff's Office arrested BELLA on August 19, 2009. BELLA was charged with two 3rd degree felonies related to cocaine possession and destruction of evidence. On April 11, 2011, in the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida Felony Division, BELLA was sentenced for these crimes, which are felonies punishable by imprisonment for a term exceeding one year. BELLA was sentenced to 1 year, six months of probation. BELLA is therefore a convicted felon.

16. Information received from HSI sources during this investigation indicates JOSEPH BELLA has been involved in the distribution of controlled substances for at least four years, and that some of the distribution occurred within 224 Summer Street, Buffalo, New York.

CONCLUSION

WHEREFORE, based on the foregoing, I respectfully submit probable cause exists: that JOSEPH BELLA possessed firearms in furtherance of drug trafficking, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i); possessed a firearm while using controlled substances in violation of Title 18, United States Code, Section 922(g)(3); possessed a firearm after being convicted of a felony in violation of Title 18, United States Code, Section 922(g)(1); possessed with intent to distribute, and distributed, cocaine, in violation of Title 21, United States Code, Section 841(a)(1); and, that JOSEPH BELLA maintained a drug-involved premises, that is, 224 Summer Street, Buffalo, New York, for the

use, distribution, or manufacture of controlled substances, in violation of Title 21, United States Code, Section 856(a)(1).



CURTIS E. RYAN
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me telephonically
this 23rd day of April, 2020.



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge